



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/777,735 | 02/06/2001 | Edward E. Williams | GOEA 1803001 | 8711 |

32233 7590 12/16/2005

STORM L.L.P.
BANK OF AMERICA PLAZA
901 MAIN STREET, SUITE 7100
DALLAS, TX 75202

EXAMINER

FLORES SANCHEZ, OMAR

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3724

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,735

Applicant(s)

WILLIAMS, EDWARD E.

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,8-10,12,14 and 16-44 is/are pending in the application.
- 4a) Of the above claim(s) 17-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4,6,8-10,12,14,16 and 41-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on 9/19/05.

Specification

2. The amendment filed 9/19/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: irreversible (see amendment to the specification, page 2, line 19). The use of bonding material to make the bond permanent does not produce an irreversible bonding.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Art Unit: 3724

The subject matter is “irreversibly”. See amendment to the specification, page 2, line 19, applicant’s new introduction of the word “irreversible”, which is evidence that the above subject matter was not described before.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-2, 4, 6, 8-10, 12, 14, 16, 41-43 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 9, it is not clear what “irreversibly” encompasses.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2, 6, 8-10, 14, 16, 41-43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weddell (1762111) in view of Altenburg (4251198) and Van Osenbruggen (5947805).

Weddell discloses the method for manufacturing a rotatable cutting blade substantially as claimed including: selecting a substantially circular cutting blade holder 10 made of a first material having two spaced apart faces (spaced by the width of the blade holder), having a

Art Unit: 3724

plurality of cutting blade channels 12 forming an angle with respect to a plane defined by the faces, inserting a piece of a second material 11, the piece of second material having sufficient height to extend at least one edge of the cutting blade beyond the plane defined by at least one face one face (Fig. 10), the second material is sharpened before inserting them into each channel (Fig. 2) and the first material made of carbon steel(col. 1, line 24). Weddell does not show forming a cutting plane parallel to the plane defined by at least one face of the cutting blade holder, bonding each said piece of second material, sharpening said pieces and at least a portion of at least one edge of the cutting blade is sharpened such that the sharpened edge is parallel to the plane defined by the face. However, Altenburg teaches the use of at least one edge 30 of the cutting blade that is sharpened such that the sharpened edge is parallel to the plane defined by the face (Fig. 3) for the purpose of defining an effective cutting edge for cutting extruded material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Weddell's device by providing the step of the cutting blade that is sharpened such that the sharpened edge is parallel to the plane defined by the face as taught by Altenburg in order to obtain a device that defines an effective cutting edge for cutting extruded material.

Regarding the step of *irreversibly* (as best understood, irreversible was considered to be equivalent to permanent) bonding each said piece of second material to said cutting blade holder, sharpening said pieces and brazing with a solder along substantially the entire length of said cutter blade channel, Van Osenbruggen teaches the step of bonding each said piece of second material to said cutting blade holder (col. 9, line 53-54), sharpening said pieces (col. 5, lines 3-6 and col. 9, lines 40-42) and brazing with a solder along substantially the entire length of said

Art Unit: 3724

cutter blade channel (col. 9, line 38-39) for the purpose of attaching the cutter to the holder and making the device practical for commerce. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Weddell's device by providing the step of bonding each piece of second material to the cutting blade holder, sharpening the pieces and brazing with a solder along substantially the entire length of the cutter blade channel as taught by Van Osenbruggen in order to obtain an easy attachment of the cutter to the blade holder and make the device practical for commerce.

9. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Osenbruggen as applied to claims 1 and 9 above, and further in view of Kubis.

The modified device of Weddell discloses the method for manufacturing a rotatable cutting blade substantially as claimed except for molding process. However, Kubis teaches the use of a molding process (see col. 4, line 11-13 and 15-17) for the purpose of obtaining a high level of dimensional accuracy. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Weddell's device by providing the molding process as taught by Kubis in order to obtain a high level of dimensional accuracy for the blade holder.

Response to Arguments

10. Applicant's arguments have been fully considered but they are not persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

Art Unit: 3724

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation can be found in Van Ossenbruggen's specification, col. 9, lines 48-52.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

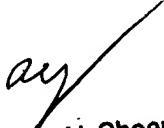
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

Art Unit: 3724

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ofs
12/1/05


Allan N. Shoap
Supervisory Patent Examiner
Group 3700